

REMARKS

Claims 1-3, 6-10 and 16-18 are pending.

Drawings

The instant Office Action contains a requirement that Figures 1-4 be labeled "Prior Art." Figure 3 already includes such a label. Figures 1, 2 and 4 illustrate embodiments of devices, systems, protocols, etc., with which the present claimed invention is implemented. Applicants respectfully submit that there is no requirement that each of the drawing figures in an application illustrate that which the Applicants consider to be novel and inventive. Nevertheless, in light of the requirement to amend the drawings to avoid abandonment of the application, Figures 1, 2 and 4 are amended herein.

103 Rejections

Claims 1-3, 6-10 and 16-18 are rejected under 35 U.S.C § 103(a) as being anticipated by Fichou et al. ("Fichou," US 5,602,830) in view of Wartski et al. ("Wartski," US 5,732,082). The Applicants have reviewed the cited references and respectfully assert that the present invention as recited in Claims 1-3, 6-10 and 16-18 is not anticipated nor rendered obvious by Fichou and Wartski, alone or in combination.

Independent Claim 1 recites that an embodiment of the present invention includes "a mechanism for ... establishing a second order for transmitting said data packets that is different from said first order, said second order based on respective destination addresses of said data packets" (emphasis added).

Independent Claim 6 recites that an embodiment of the present invention is

directed to a method "for establishing a second order for transmitting said data packets that is different from said first order, said second order based on respective destination addresses of said data packets" (emphasis added), wherein a destination address represents an ultimate destination of a data packet. Independent Claim 16 recites that an embodiment of the present invention includes a "driver for establishing a second order for transmitting said data packets that is different from said first order, said second order based on respective destination addresses of said data packets" (emphasis added). Claims 1, 6 and 16 also recite that a destination address represents the ultimate destination of a data packet. Claims 2-3 are dependent on Claim 1; Claims 7-10 are dependent on Claim 6; and Claims 17-18 are dependent on Claim 16.

Applicants respectfully agree with the statement in the instant Office Action that Fichou does not disclose that the order for transmitting data packets is based on the data packets' respective destination addresses, where a destination address represents the ultimate destination of a respective data packet, as recited in the claims. Applicants respectfully submit that Wartski does not overcome the shortcomings of Fichou, and respectfully disagree with the statements to the contrary in the instant Office Action, based on the following rationale.

The Examiner cites column 5, lines 9-13, of Wartski as showing that the order for transmitting data packets is based on the data packets' respective destination addresses. However, the cited portion of Wartski only describes the sorting of data cells according to their "virtual circuit identifier." Applicants respectfully assert that there is no showing or suggestion in Wartski that equates a virtual circuit identifier to a destination address. In other words, Applicants

respectfully submit that a virtual circuit identifier is not a destination address, nor does it suggest a destination address.

Furthermore, the sorting referred to by Wartski refers to the sorting of data cells into frames. In other words, the sorting referred to by Wartski does not refer to the placement of data cells into an order for sending.

Moreover, according to Wartski, once the data cells are sorted into frames, the frames are processed according to their relative priority. That is, higher priority frames are served first. According to Wartski, priorities are assigned to frames according to the priority assigned to the data source. There is no showing or suggestion in Wartski that the priority is based on a destination address. Reference is made to column 7, lines 4-16, of Wartski.

Thus, Applicants respectfully submit that Wartski does not show or suggest that the order for transmitting data packets is based on the data packets' respective destination addresses.

Therefore, Applicants respectfully submit that Fichou and Wartski, alone or in combination, do not show or suggest the present invention as recited in independent Claims 1, 6 and 16, and that the basis for rejecting Claims 1, 6 and 16 under 35 U.S.C. § 103(a) is traversed. Applicants also respectfully submit that the basis for rejecting Claims 2-3 (dependent on Claim 1), Claims 7-10 (dependent on Claim 6), and Claims 17-18 (dependent on Claim 16) under 35 U.S.C. § 103(a) is traversed, as Claims 2-3, 7-10 and 17-18 are dependent on allowable base claims and recite additional limitations.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-3 , 6-10, and 16-18 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP



William A. Zarbis
Reg. No. 46,120

Date: 2/23/04

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060